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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/803,869	03/12/2001	Yoshihito Ishibashi	09792909-4858	9170
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EXAMINER

HO, THOMAS M

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/803,869	Applicant(s) ISHIBASHI ET AL.	
	Examiner Thomas M. Ho	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-25 are pending.

Response to Arguments

2. Applicant has argued that the Examiner has improperly interpreted Stefik, and offers an additional interpretation by which to contrast Applicant's current claims over Stefik.

These differences are displayed in figures on pages 10 and 11.

The Applicant has mapped Repository 2 as the user device and Repository 1 as the service provider. The Examiner however, has established Repository 2 as the service provider in the previous rejection.

Presumably, Applicant believes that the proper interpretation of Stefik is that Repository 2 should be the user device, while Repository 1 is the service provider, as indicated by Application helpful diagram on page 10.

However, the Examiner has not found any support for Applicant's interpretation which would rule out the Examiner's interpretation. The Examiner also has not uncovered any evidence which would affirm the Applicant's interpretation as the only possible interpretation.

Stefik column 7, lines 43-45 recites:

“...a repository 201 represents the general instance of a repository. The repository 201 has two modes of operation; a server mode and a requester mode.”

Stefik discloses a highly interchangeable system along with a number of small modifications which may be made to it. Because Stefik discloses that a repository may play the role of both server or requestor (client), the Examiner holds that Repository 2 may indeed be equated to the service provider. More importantly, the Examiner has uncovered no evidence that would necessitate Applicant's interpretation of equating repository 2 as the user device. (Stefik column 7, lines 43-45), seems to imply that the equivalence established by the Examiner (repository 2 as the service provider) is not an unreasonable interpretation of Stefik.

Applicant has argued on page 12

Stefik discloses a system for controlling the distribution of content. However, in Stefik the digital rights are permanently “attached” to the content to define the manner and amount and usage of the content (See Stefik, Col. 6, Lines 51-56). The Stefik copy-count attaches to the content to restrict the number [of] copies that can be made. In contrast, the issue log of the present claims is not attached to the content, but issued by the clearing center independently of the content and the content distributor(service provider)

The Examiner has carefully evaluated Applicant's arguments, but has found Applicant's arguments unpersuasive. The Examiner is in agreement with the Applicant that Stefik stores the rights as being permanently attached to the digital work. However the Examiner disagrees that this contrasts with the language of the claim. Claim 1 for example, merely recites that a usage log is issued. There is no limitation to preclude the issue log from being stored with the content.

Additionally, as Applicant has argued that "*the issue log of the present claims is not attached to the content, but issued by the clearing center independently of the content*", the Examiner contends that Stefik Column 17, lines 34-42 discloses that the repository and the credit center may be the same entity. For this reason, the Examiner is unpersuaded by the Applicant's arguments that the storing of the copy count with the digital work is mutually exclusive to the embodiment where the issue log is issued by the clearing center.

"...Stefik nowhere fairly teaches or discloses the creation of an issue log with an allowable spending limit set by the clearing center based on a usage control policy. This spending limit is not the total amount of money available, but rather a spending limit related to the content in question. As is clearly set forth in the claims, the issue log contains this allowable spending limit in addition to an electronic balance.

At Col. 7, lines 33-37, cited by the examiner, Stefik et al. describes how in step 108(See Figure 1) both the user device (Repository 2) and the content provider (Repository 1) interact with the credit server at the same time to confirm billing parameters. This is nothing like the usage/money control recited in the claims. Indeed, contrary to the examiner's interpretation,

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nowhere does Stefik information indicating an allowable amount of money issued by a clearing center and sent to a user device as an issue log. The maintenance of a balance at a clearing center or some other institution is not the same thing as the allowable amount of money in the claimed issue log.

The Examiner has found Applicant's additional arguments unpersuasive. Applicant has argued that the issue log contains an allowable spending limit in addition to an electronic balance. However, it is the Examiner's position that the issue log of Stefik is also a separate entity or is present "in addition to" an electronic balance.

The Examiner has equated the usage count with the issue log.

(Column 18, lines 13-22) Stefik discloses however that that activity from the usage of the issue log is later reconciled with an electronic balance that may be debited or credited. (Column 17, lines 24-33) As Stefik (Column 18, lines 13-22) has revealed, the issue log indicates an allowable amount of "money" (ex. 5 copies for ten dollars). In another embodiment, Stefik discloses that such fees however may be additive as in a balance.

As Stefik (Column 17, lines 24-33) & (Column 17, lines 49-61) & (Column 18, lines 13-22) illustrates, the separate electronic money balance may be credited or debited in light of the use of the content as set by the issue log.

In light of the disclosure of Stefik, the Examiner is unconvinced of Applicant assertion and argument that Stefik does not disclose the issue log in addition to an electronic balance. For this reason, the Examiner has maintained his rejections.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 6-13, 15-16, 20-24 26-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Stefik et al, US patent 5629980.

In reference to claim 1:

Stefik et al. discloses a content transaction system for settling a transaction of content comprising:

- A user device configured for (1) receiving and storing an issue log including issue information indicating an allowable amount of electronic money, where the issue information indicating the allowable amount of electronic money is the amount in the financial account. (Column 17, lines 20-34) & (Column 23, lines 44- Column 24, line 47, et seq) and the copy count recorded in the log of digital rights. (Column 18, lines 10-28, et seq.)

- and an electronic money balance, for creating a usage log of usage of said content, (2) for using the content, (Column 7, lines 5-11) & (Column 11, lines 10-15)
- (3)for deducting a content usage fee from an electronic money balance up to an allowable amount of electronic money set in an issue log based on information of a usage control policy of the content, (Column 25, lines 10-35)
- (4) creating a usage log including information of the deducted usage fee, where the user device is the first repository which generates the billing information from an electronic money balance. (Column 7, lines 33-37)
- A service provider, which receives said usage log from said user device, for creating a receive log including the information of the content usage fee based on said usage log, where the service provider is the second repository (Column 7, lines 33-37), where the usage log is the log of usage rights attached to digital work (Column 11, lines 33-35), and the usage rights contains a log of the usage. (Column 25, lines 10-35)
- A clearing center, which creates said issue log and receives said receive log from said service provider, for performing settlement processing for the electronic money spent for the use of the content based on said receive log, and for making a transfer request to transfer the usage fee, where the clearing center is the credit server (Figure 3)
- An account management institution, which receives the transfer request from said clearing center, for performing transfer processing according to the transfer request, where the account management institution is the billing clearing house. (Figure 3)
- Wherein said clearing center manages the allowable amount of money by preliminary creating said issue log and then issuing said issue log to the use device. (Column 17,

lines 20-34) & (Column 23, lines 44- Column 24, line 47, et seq) and the copy count recorded in the log of digital rights. (Column 18, lines 10-28, et seq.)

In reference to claim 2:

Stefik et al. discloses a content transaction system according to claim 1, wherein each of said user device and said service provider comprises an encryption processing unit, and, when said usage log is sent from said user device to said service provider (Column 7, lines 22-30), mutual authentication processing is performed between said user device and said service provider, and said user device attaches a digital signature to said usage log, and upon receiving said usage log, said service provider verifies the integrity of the digital signature, where the usage log is the access request with a logged usage rights attached to it and the mutual authentication processing with the attachment of a digital signature is performed through the use of a digital certificate. (Column 7, lines 57-65) & (Column 8, lines 5-10)

In reference to claim 6:

Stefik et al. (Column 17, lines 20-33) discloses a content transaction system according to claim 1,

- wherein the usage control policy information includes profit distribution information of the content usage fee paid by said user device, and wherein said usage log and said receive log include the profit distribution information, where the usage log and receive

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log includes the profit distribution information as billing information (Column 25, lines 10-35 & (Column 18, lines 12-18)

- and said clearing center performs the settlement processing for the electronic money of the content usage fee and sends the transfer request to said account management institution according to the profit distribution information, where the clearing center or the performs the settlement processing and the account management institution is the billing clearing house to receive the request. (Column 17, lines 20-33)

In reference to claim 7:

Stefik et al. (Column 8, lines 8-20) & (Column 7, lines 59-65) discloses a content transaction system according to claim 1, wherein the content provided for said user device is encrypted and is contained in a secure container in which the encrypted content and the usage control policy information are stored with a digital signature of a content provider, and said user device verifies the digital signature of said secure container so as to determine whether the secure controller is tampered with, where the secure container is the set of usage rights combined into the digital work (Column 11, lines 33-35), digital signature of the secure container is the digital work that has been digitally signed into a certificate and transferred in this form (Column 7, lines 60-62).

In reference to claim 8:

Stefik et al. (Column 7, lines 59-65) discloses a content transaction system according to claim 1,

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- wherein data of said issue log, said usage log, and said receive log are sent and received among said user device, where the data of the issue log and usage log are sent by repository one in the usage rights. (Column 25, lines 10-35)
- said service provider, and said clearing center by attaching a public key certificate issued by a public key certificate issuing authority to the data to be sent. (Column 13, lines 59-67)

In reference to claim 9:

Stefik et al. (Column 13, lines 59-67) & (Column 7, lines 30-37) discloses a content transaction system according to claim 1, wherein said issue log comprises at least one of a user device identifier and a user identifier and also comprises issue information indicating the allowable amount of electronic money, where the allowable amount of money is indicated in the billing process in the repositories.

In reference to claim 10:

Stefik et al. (Column 7, lines 30-37) discloses a content transaction system according to claim 1, wherein said usage log comprises information of said issue log and also comprises usage information indicating the content usage fee and a receiver of the content usage fee, where the usage logs composed indicate information regarding billing and usage fees and also information stored within the usage rights. (Column 25, lines 10-35)

In reference to claim 11:

Stefik et al. (Column 7, lines 30-37) discloses a content transaction system according to claim 1, wherein said receive log comprises information of said usage log and also comprises receive information indicating a payer of the content usage fee, where the receive log is the log that is generated when repository 2 generates billing information for the access and digital content.

Claim 12 is rejected for the same reasons as claim 13.

In reference to claim 13:

Stefik et al. (Column 8, lines 10-21) discloses a content transaction system according to claim 1, wherein said issue log is created by said clearing center in response to a request to create said issue log from said user device, and, upon receiving a request to create an additional issue log from said user device which has an issue log sent from said clearing center, said clearing center requests said user device to send information of the electronic money balance of said user device to send information of the electronic money balance of said user device, and sends said user device a new issue log in which the allowable amount of money spent by said user device is set up to a total amount, where the issue log is the billing process that is recorded by the credit server (Column 17, lines 20-35) which is performed in response to the request to create said the said issue log from said user device, the original generation of the access requests and billing requests, where this issue log recorded and generated by the credit server is sent to the a clearing center, the billing clearing house from which the allowable amount of money shall be deducted.

In reference to claim 15:

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Stefik et al. discloses a content transaction method for settling a transaction of content which is usable by a user device, comprising the steps of:

- a clearing center creating an issue log with issue information indicating an allowable amount of electronic money, which allowable amount of electronic money is based on a usage control policy; (Column 17, lines 20-34) & (Column 23, lines 44- Column 24, line 47, et seq) and the copy count recorded in the log of digital rights. (Column 18, lines 10-28, et seq.)
- said clearing center transmitting said issue log to said user device;
- Creating a usage log, with said user device, by deducting a content usage fee from an electronic money balance up to said allowable amount of electronic money, said usage log including information regarding the deducted usage fee, and sending said usage log to a service provider, where the money to be deducted is based on information from the usage control policy, namely the usage rights. (Column 25, lines 10-35) and where the deduction of the usage fee from a balance is done by a clearing center, the credit server (Column 17, lines 20-40)
- said service provider creating receive log including the information of the content usage fee based on said usage log received from said user device, and sending said receive log to said clearing center, where service provider, repository 2, creates a receive log (Billing information of the rights to be granted) after receiving the content from repository 1, and sends this receive log to the clearing center or credit server. (Column 7, lines 30-37)
- said clearing center performing settlement processing for the electronic money spent by said user device based on said receive log received from said service provider, and

sending a transfer request to an account management institution to transfer the usage fee.
(Column 17, lines 20-33)

- said account management institution performing usage fee transfer processing according to the transfer request. (Column 17, lines 20-33)

Claim 16 is rejected for the same reasons as claim 2.

Claim 20 is rejected for the same reasons as claim 6.

Claim 21 is rejected for the same reasons as claim 7.

Claim 22 is rejected for the same reasons as claim 8.

Claim 23 is rejected for the same reasons as claim 12.

Claim 24 is rejected for the same reasons as claim 13.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3-5, 14, 17-19, 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Stefik et al.

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In reference to claim 3:

Stefik et al. (Column 17, lines 34-42) discloses a content transaction system according to claim 1, wherein each of said service provider and said clearing center comprises an encryption processing unit, when said receive log is sent from said service provider to said clearing center, mutual authentication processing is performed between said service provider and said clearing center, where the service provider or repository is coupled in transmission to the clearing center or credit server and has authentication processing just as the repository does. (Column 7, lines 30-37)

Stefik et al. (Column 7, lines 57-65) & (Column 8, lines 5-10) discloses the use of a digital signature as the authentication mechanism(digital certificates) but fails to explicitly disclose this method between service provider and clearing center.

The Examiner takes official notice that digitally signing interactions between two sources of data as a method of authenticating the data, was well known at the time of invention.

It would have been obvious to one of ordinary skill in the art at the time of invention to use digital signatures to transmit the received usage logs between the clearing center and service provider in order to validate the sent data as authentic.

In reference to claim 4:

Stefik et al. discloses all of claim 4 except:

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A content transaction system according to claim 1, wherein said clearing center comprises a user balance database

Stefik et al. discloses managing the electronic money balance of said user device, and said clearing center creates said issue records or “logs” according to the electronic money balance registered in said user balance (Column 17, lines 3-60)

Stefik et al. however fails to explicitly disclose the use of a user balance database system.

The Examiner takes official notice that recording user balances in a database, especially by financial institutions was well known to those of ordinary skill in the art.

It would have been obvious to one of ordinary skill in the art at the time of invention to use a database to hold the user balances and logs, in order to efficiently manage the large amounts of financial information about each user.

Claim 5 is rejected for the same reasons as claim 3.

In reference to claim 14:

Stefik et al. discloses a content transaction system according to claim 1,

- wherein said issue log is created by said clearing center in response to a request to create said issue log from said user device, where the issue log created by the clearing center(credit center) is a billing report to be sent to the billing clearinghouse (Column 17, lines 20-33)

Stefik et al. (Column 17, lines 20-33) discloses an issue log in which the allowable amount of money spent by said user device is set up to a total amount consisting of an amount of money transferred to a clearing-center management account in said account management institution and the electronic money balance of said user device, where the account management institution is the billing clearing center.

Stefik et al. fails to disclose upon receiving a request to create an additional issue log from said user device which has an old issue log sent from said clearing center, when it is determined based on the electronic money balance received from said user device that a payment based on the old issue log remains unsettled, said clearing center sends said user device a new issue log having a serial number different from the serial number of the old issue log

However, the Examiner takes official notice that the sending additional issue log using a new serial number different from the serial number of the old issue log was well known at the time of invention. In digital commerce, transactions are frequently assigned a cookie, or a transaction ID, or a session ID. From this, programs know to differentiate new sessions from previous sessions.

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It would have been obvious to one of ordinary skill in the art at the time of invention to issue a new log having a serial number different from the serial number of the old issue log in order to be able to identify each transaction as being unique.

Claim 17 is rejected for the same reasons as claim 3.

Claim 18 is rejected for the same reasons as claim 4.

Claim 19 is rejected for the same reasons as claim 5.

Claim 25 is rejected for the same reasons as claim 14.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of the final action and the advisory action is not mailed under after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension pursuant to 37 CFR 1.136(A) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (571)272-3838.

The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

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TMH

March 4th, 2006


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